IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. 14077 of 2003 and 21174 of 2003

1) WRIT PETITION NO : 14077 of 2003

Between:

1 A. Janardhana Naidu, S/o. A. Muneppa Naidu,
Head Vigilance Guard, T.T.D, V & S.O. Office, Tirumala,
Chittoor District.
2 B. Gopal, S/o. Chengaiah, Head Vigilance,
V & S.O. Office, Tirupati, Chittoor District.
3 P. Venkataratnam, S/o. P. Lakshmaiah, Security Guard,
R/o. Tirumala, Chittoor District.
4 G. Siddaiah, S/o. Ramaiah, Jamedar,
R/o. Tirupati, Chittoor District.
5 D. Krishnaiah, S/o. D. Hanumanthaiah, Jamedar,
R/o. Tirupati, Chittoor District. … Petitioners

AND

1 The State of A.P. rep. by its Prl. Secretary, Revenue (Endts.III) Dept.,
Secretariat, Hyderabad.
2 The Prl. Secretary to Govt. of A.P., Home Department,
Secretariat, Hyderabad.
3 The Director General and Inspector General of Police, A.P., Hyderabad.
4 The Tirumala Tirupati Devasthanams, rep. by its Executive Officer, Tirupati,
Chittoor District.

5 P.Ravi Shankar, S/o Dr.P.Babu Rao, Formerly Asst. Vigilence and Security

Officer, TTD, R/o Tirupathi, Chittor District

(R 5 is impleaded as per Court Order dt.28/3/2005, in

WPMP.No.19325/2003)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the G.O.s issued by the 1st respondent vide G.O.Ms.No. 680, Revenue (Endts.III) Dept., dt: 7-11-98 and G.O.Ms.No.422, Revenue (Endts.III) Dept., dt: 27-5-99 providing a rule of appointment by transfer in T.T.D. and consequential orders vide Memo.No. 72194/Endts.III/A/2002 dt: 22.4.2003 and G.O.Ms.No. 423, Revenue (Endts.III) dt: 22.4.2003 passed by the 1st respondent as illegal, arbitrary and against the wishes of barrowing department to absorb the deputationist and consequently direct the respondents to withdraw the above said amendments in the interest of justice.

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents 1 to 3: G.P. for Endowments

Counsel for the Respondent No.4: MR.A.K.JAYAPRAKASH RAO

2)WRIT PETITION NO : 21174 of 2003

Between:

Tirumala Tirupati Devasthanams, Tirupati, Chittoor District,
rep., by its Executive Officer, Ajeya Kallam, IAS, S/o Ranga
Reddy r/o Tirupati

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep., by its Principal Secretary,
Revenue (Endowments-III) Department, A.P.Secretariat, Hyderabad.
2 The Principal Secretary, Govt., of A.P., Home Department,
A.P.Secretariat, Hyderabad.
3 The Director General and Inspector General of Police, Andhra Pradesh,
Saifabad, Hyderabad-4.
4 K.Pratap Reddy, s/o Vasudev Reddy.
5 M.Ramanadhaiah, s/o Rangaiah .
6 A.Kumar, s/o A.N.Radha Krishnaiah.
7 R.Balasubramanya Reddy, s/o R.Rami Reddy.

Respondent 4 to 7 are working in Wireless Wing,
Security & Vigilance Department, TTDs., Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 1st respondent and issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring that the action of 1st respondent in issuing G.O.Ms.No.523 Rev.(Endts.III) Dept., dated 22-4-2003 and Memo No.72194/Endts.III/A2/2002, dated 22-4-2003 directing the petitioner TTD to absorb respondents No.4 to 7 for appointment on transfer in Tirumala Tirupati Devasthanams and by insisting to implement the Government Order and not considering the proposal of the petitioner Devasthanams to delete the provision of

"appointment by transfer" to the posts of Vigilance and Security Wing and Wireless Wing of the petitioner Devasthanams as illegal, unjust, contrary to law and amounts to abridging powers of petitioner Devasthanams in maintaining clean administration and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents 1 to 3: G.P. for Endowments

Counsel for the Respondents 4 to 7: Sri Nuty Ramamohan Rao

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION Nos. 14077 of 2003 & 21174 of 2003

COMMON ORDER:

Heard Sri G.Dasaradharam Reddy, learned counsel appearing for the petitioners in Writ Petition No. 14077 of 2003 and Sri A.K.Jayaprakash Rao, learned standing counsel appearing on behalf of the petitioner in Writ Petition No. 21174 of 2003.

The petitioners in Writ Petition No. 14077 of 2003, who are working in various capacities in the Vigilance and Security Department of Tirumala Tirupathi Devasthanams, seek to assail by way of Writ of Mandamus the impugned proceedings issued by the first respondent in G.O. Ms. No.880, dated 07.11.1998 and G.O.Ms. No.422 dated 27.05.1999 providing rule of appointment by transfer with the Devasthanam and for consequential orders in memos dated 22.04.2003, as bad, illegal and void. The Tirumala Tirupathi Devasthanams is added as fourth respondent.

In Writ Petition No. 21174 of 2003, the petitioner viz. Tirumala Tirupathi Devasthanams, filed the petition seeking a Writ of Mandamus challenging the orders of the first respondent in G.O. Ms. No. 523 dated 22.04.2003 and the memo of the even date, directing the Devasthanam to absorb the respondents 4 to 7 herein for appointment by transfer as bad, illegal and bad.

Having heard the learned counsel appearing on either side and on perusal of the material, the main question which falls for consideration is in respect of the policy decision in regard to the appointment by transfer vis-à-vis the individuals who have been deputed to the Devasthanam from the State Government and the orders passed thereon. The very same question has already been considered by this Court by taking into account the chequered events in connected Writ Petition Nos. 5963 of 2003 and 17969 of 2003, which have been disposed of today as per the common order, setting aside the entire proceedings directing the first respondent-government to reconsider the matter afresh on merits and pass orders in accordance with law.

Following the same, these two Writ Petitions are allowed setting aside the impugned orders. The first respondent-government is directed to reconsider the entire matter afresh and pass orders on merits in accordance with law after giving notice and opportunity to all the parties concerned. Having regard to the exigency and larger interest involved, the entire exercise shall be completed within a period of one month from the date of receipt of copy of this Order. No costs.

(B.Prakash Rao, J.)

28.03.2005

DRK

That Rule Nisi has been absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on Monday, the twenty eighth day of March Two thousand and five.

… Registrar

Copy to:

1 The Prl. Secretary, Revenue (Endts.III) Dept., Govt. of A.P., Secretariat, Hyderabad.
2 The Prl. Secretary to Govt. of A.P., Home Department, Secretariat, Hyderabad.
3 The Director General and Inspector General of Police, A.P., Hyderabad.
4 The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, Chittoor District.

5 Two CCs to the G.P. for Endowments, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

6 Two CD copies.